CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:		Force	I	Discourt.	U.S.
Ariel Courage		Squad #6	201508265		Abuse		O.L.	☐ Injury
T. C. C.		CT 11				103		L EO GOI
Incident Date(s)		Location of Incident:		Pr	recinct:		Io. SOL	EO SOL
Saturday, 09/26/2015 12:30 PM		§ 87(2)(b)	T		106		6/2017	3/26/2017
Date/Time CV Reported		CV Reported At:	How CV Reported:				ved at CC	RB
Sun, 09/27/2015 10:35 AM		IAB	Phone	I	Fri, 10/02/	/2015 1	11:27 AM	
Complainant/Victim	Type	Home Addre	ess					_
Witness(es)		Home Addre	ess					
Subject Officer(s)	Shield	TaxID	Command					
1. DT3 Jessica Romance	03441	941641						
2. DT3 James Zozzaro	1741	941641	113 DET 113 DET					
Witness Officer(s)	Shield N		Cmd Name					
1. POM Ivan Villanueva	05997	947581	113 PCT					
2. POM Thomas Skobla	21699	945316	113 PCT					
Officer(s)	Allegation	on			Inve	estigate	or Recor	nmendation
A.DT3 Jessica Romance		at Liberty Avenue and the	he Van Wyck Expres	ssway		os vagare	01 110001	
71.D 13 Jessieu Romanee		Det. Jessica Romance d		33 W a y				
B.DT3 James Zozzaro		at Liberty Avenue and the Det. James Zozzaro deta		ssway	in			
C.DT3 James Zozzaro		at Liberty Avenue and the Det. James Zozzaro three						
D.DT3 Jessica Romance	Abuse: D	Oet. Jessica Romance en in Qu						
E.DT3 James Zozzaro	Abuse: D	Oet. James Zozzaro enter in Qu						
F.DT3 Jessica Romance	the 113th	esy: At an unknown local Precinct stationhouse, cously to § 87(2)(b)						
G.DT3 James Zozzaro	the 113th	esy: At an unknown local Precinct stationhouse, cously to § 87(2)(b)						
H.DT3 Jessica Romance	stationho	In route to and inside of buse, Det. Jessica Romant for § 87(2)(b)		edica	1			

Allegation	Investigator Recommendation
Abuse: En route to and inside of the 113th Precinct	
treatment for § 87(2)(b)	
	Abuse: En route to and inside of the 113th Precinct stationhouse, Det. James Zozzaro did not obtain medical

Case Summary

This case exceeded the 90 day benchmark due to several missed scheduled appointments
by one of the subject officers.
On September 30, 2015, §87(2)(b) contacted the IAB Command Center via
phone to file this complaint (BR 01). It was received at the CCRB on October 2, 2015.
On September 26, 2015, \$87(2)(b) was on the Q9 bus near the intersection of
Liberty Avenue and the Van Wyck Expressway when the bus abruptly stopped and two officers,
identified by the investigation as Det. Jessica Romance and Det. James Zozzaro of the 113 th
Precinct Detective Squad, boarded. Det. Romance and Det. Zozzaro called for \$87(2)(b)
and allegedly ordered her off of the bus (Allegations A and B).
Once §87(2)(6) stepped off of the bus, she began to cry. Det. Zozzaro told
to stop crying or he would "get her arrested" (Allegation C), or force her to go to
the hospital and tell hospital staff that she was crazy (subsumed under Allegation C).
entered the officers' unmarked RMP and they drove to her home, located at \$87(2)(b)
in Queens.
Upon arrival, \$87(2)(6) Det. Romance, Det. Zozzaro, and \$87(2)(6) s
neighbor, \$87(2)(b) entered \$87(2)(b) s home (Allegations D and E).
continued to cry during this time and Det. Zozzaro again threatened to arrest her
(within Allegation C).
Det. Romance and Det. Zozzaro informed \$87(2)(b) about a deed to another
residence they were investigating, 117-81 142 nd Street in Queens. The detectives then proceeded
to search bags within \$87(2)(b) s residence for said deed (subsumed under Allegations
D and E). §87(2)(b) called her real estate agent, who subsequently spoke on the phone
with Det. Romance and told her that he would be able to fax the deed to her, at which time Det.
Romance and Det. Zozzaro left. §87(2)(b) was not arrested or issued summonses.
\$87(2)(b) who resides at to
warn her that officers had the deed and that she needed to leave the residence. §87(2)(6) went
to \$87(2)(b) s residence. After speaking with her in regards to the incident, \$87(2)(b)
left the residence in her vehicle and was pulled over at an unknown location by Det. Romance
and Det. Zozzaro for failing to signal. At this unknown location, both Det. Romance and Det.
Zozzaro called \$87(2)(b) a "fucking liar, fucked up individual, and a fucked up bitch"
(Allegation F and G).
\$87(2)(6) was arrested for not having a license. Both en route to and inside of the
113 th Precinct stationhouse, § 87(2)(6) requested medical attention, since she is diabetic and
did not have her insulin, requests that Det. Zozzaro and Det. Romance both allegedly refused
(Allegation H and I). Inside of the 113 th Precinct stationhouse, both Det. Zozzaro and Det.
Romance told § 87(2)(b) that if she wanted to go to the "fucking hospital," she would have to
have her legs chained up (subsumed under Allegations F and G).
was later released from the stationhouse with summonses (BR 02).
Neither Det. Romance nor Det. Zozzaro prepared memo book entries with respect to
these incidents (Allegations J and K).
On January 14, 2016, this case was reassigned from Inv. Murdy to the undersigned.
, , , , , ,
Mediation, Civil and Criminal Histories
• This case is not mediation suitable as \$87(2)(b) stated she planned on filing a

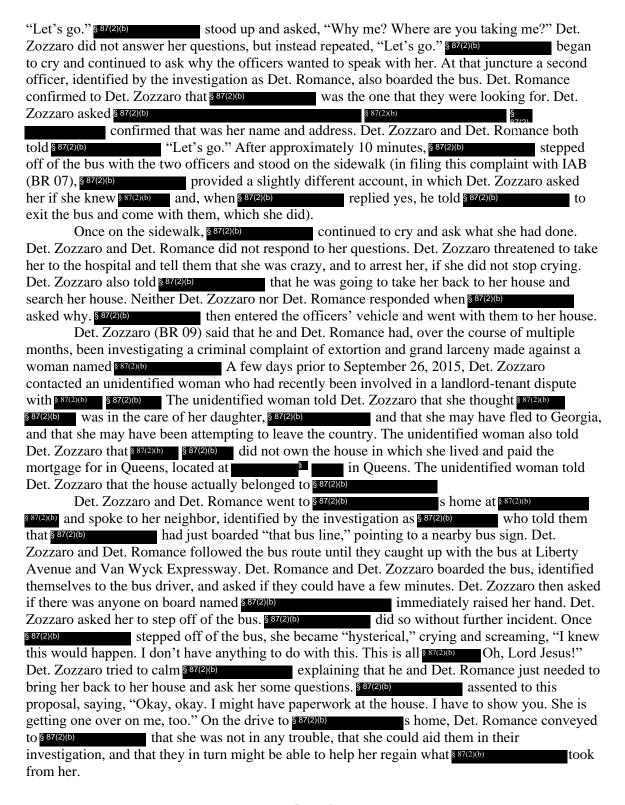
Page 2

CCRB Case # 201508265

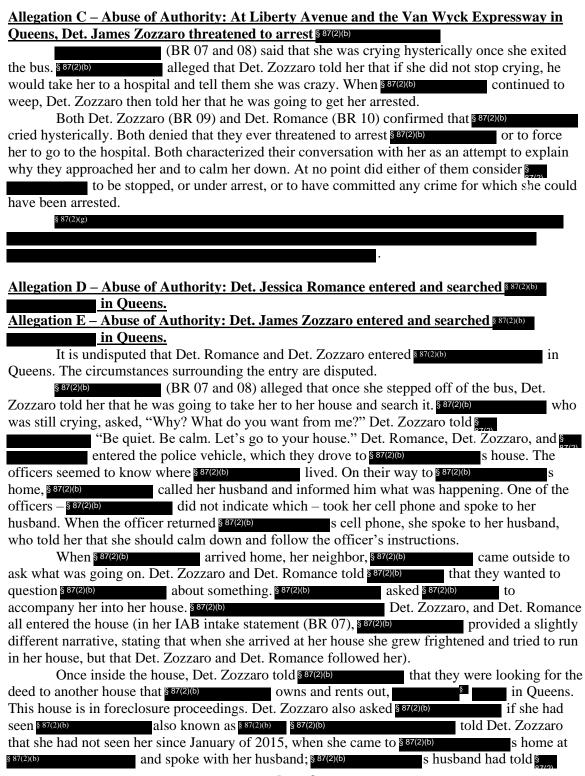
lawsuit.

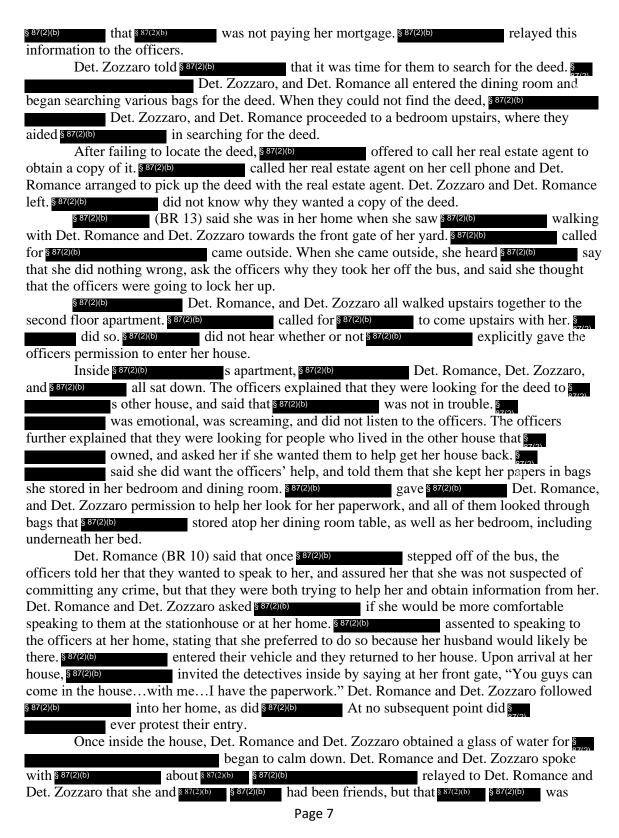
• \$87(2)(6) has filed a civil suit with respect to this incident seeking \$1,000,000 for false arrest, false imprisonment, intentional infliction of emotional distress, and trespass (BR 03).
● § 87(2)(c), § 87(2)(b)
Civilian and Officer CCRB Histories
 This is the first complaint filed by \$87(2)(b) Det. Zozzaro has been a member of service for 9 years and has 34 allegations filed against him with one allegation being recommended as substantiated. In case number 201105413 Det. Zozarro received charges for an allegation of physical force. The NYPD recommended no disciplinary action. Det. Romance has been a member of service for 9 years and has no previous substantiated allegations.
D-44-1 I
• On October 6, 2015 and October 7, 2015, two calls were placed to \$87(2)(b) to obtain a statement. On October 7, 2015, \$87(2)(b) provided a brief telephone statement and scheduled to an interview for October 14, 2015. Prior to her interview, \$87(2)(b) contacted the CCRB and left a message stating that she would not be able to make her scheduled interview. Between October 14, 2015 and November 9, 2015, three more phone calls and two letters were sent to \$87(2)(b) To date, \$87(2)(b) has not responded to provide a sworn testimony.
Findings and Recommendations
Allegations Not Pleaded
• Vehicle stop: With respect to the allegations pleaded on behalf of \$87(2)(b) the stop of the bus upon which \$97(2)(b) was an occupant has been assessed as an allegation of a detainment and therefore no separate allegation of a vehicle stop has been pleaded. With respect to the allegations pleaded on behalf of \$87(2)(b) insofar as the stop of \$97(2)(b) is vehicle was predicated upon an observation of a traffic violation, for which \$97(2)(b) is received a summons, to plead a vehicle stop would constitute a summons dispute. As such, no corresponding allegation has been pleaded.
Allegation A – Abuse of Authority: At Liberty Avenue and the Van Wyck Expressway in
Queens, Det. Jessica Romance detained \$87(2)(b)
Allegation B – Abuse of Authority: At Liberty Avenue and the Van Wyck Expressway in
Queens, Det. James Zozzaro detained \$87(2)(b)
It is undisputed that Det. Romance and Det. Zozzaro boarded the Q9 bus that
rode in an attempt to speak with her.
(BR 07 and 08) alleged that the bus was in motion near the intersection of Liberty Avenue and the Van Wyck Expressway when it abruptly stopped and an officer,

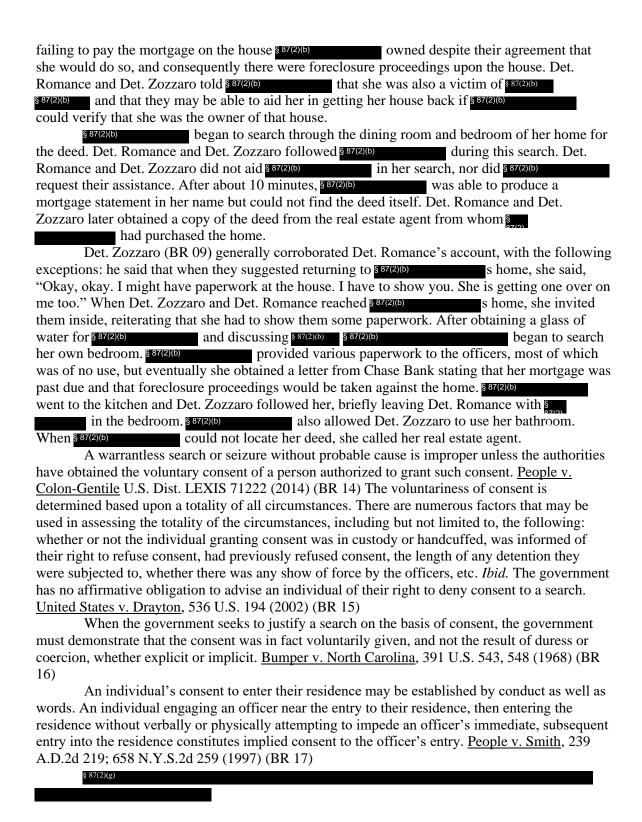
identified by the investigation as Det. Zozzaro, boarded. Det. Zozzaro appeared to scan over each occupant of the bus. When his eyes landed upon \$87(2)(b) he approached her and said,



Det. Romance (BR 10) closely corroborated Det. Zozzaro's account, with the following exceptions and additions: Det. Romance clarified that they wanted to interview §87(2)(b)
<u>*</u>
about \$87(2)(b) and to obtain the deed to the house at in Queens, as if
they were able to verify that \$87(2)(b) was its true owner, they could begin to take legal proceedings against \$87(2)(b) \$87(2)(b) to restore the house to \$87(2)(b) from its state of
proceedings against \$87(2)(0) to restore the house to \$87(2)(0) from its state of
foreclosure and also to possibly aid in their search of \$87(2)(b) Det. Romance clarified
that the bus was already stopped when she and Det. Zozzaro approached it, with its doors open to
release passengers. Det. Romance confirmed Det. Zozzaro's statement that \$87(2)(b)
identified herself to Det. Romance and Det. Zozzaro, and that she stepped voluntarily off of the
bus at their request. Det. Romance initially said that \$887(2)(b) became hysterical on the
bus, immediately after identifying herself to the officers, but later in her interview said
only became upset after she stepped off of the bus.
Det. Romance said that once \$87(2)(b) stepped off of the bus, they attempted to
explain to her that she was not suspected of a crime, and that they were there only to help her and
to obtain information from her. §87(2)(6) insisted that she was not a criminal. Det.
Romance asked if \$87(2)(b) would like to speak with them at the stationhouse or at her
residence. §87(2)(6) told the officers she would be more comfortable speaking to them at
her residence. Det. Romance and Det. Zozzaro requested that \$87(2)(b) enter their
vehicle so that they could drive her to her home and \$87(2)(b) complied.
A consensual encounter does not trigger Fourth Amendment scrutiny. <u>Terry v. Ohio</u> , 92
U.S. (1868) (BR 11) Not all police encounters that occur upon buses constitute seizures. The
criterion for determining whether or not an encounter on a bus constitutes a seizure is whether,
based upon a totality of the circumstances, a reasonable passenger would feel free to decline the
officers' requests or otherwise terminate the encounter. Even when officers have no basis for
suspecting criminality, they may ask questions of an individual, provided they do not convey a
message that compliance with their requests is required. Florida v. Bostick, 501 U.S. 429 (1991)
(BR 12)
In § 87(2)(b) s account, officers did not answer her questions or clarify their
intentions before she stepped off of the bus. As described by §87(2)(b) although she
eventually complied by exiting the bus, she was initially reluctant, and only did so after Det.
Zozzaro and Det. Romance had been on the bus for about 10 minutes. Additionally, as discussed
in greater detail below, according to \$87(2)(b) Det. Zozzaro threatened her with arrest or
with hospitalization, and announced his intent to return to \$87(2)(b) s home and search
it, without providing any explanation for why he wished to do so. § 87(2)(g)
However, according to Det. Zozzaro and Det. Romance, \$87(2)(b) exited the bus
almost immediately after identifying herself to them, without questioning them, and became upset
only once she stood on the sidewalk. Further, both Det. Zozzaro and Det. Romance claimed to
have made repeated efforts to explain to §87(2)(b) that she was not suspected of a crime,
and that they only wanted to help her, after which time \$87(2)(b) provided consent for
officers to come to her home. § 87(2)(g)
§ 87(2)(g)
Page 5







did not allege that she was coerced into providing consent; rather she alleged that Det. Romance and Det. Zozzaro never made any attempt whatsoever to gain her
consent and that she at no point provided it to them.
did not hear whether or not \$87(2)(b) provided verbal consent for officers to enter her apartment. Even if \$87(2)(b) did provide consent for officers to
enter, § 87(2)(b) may not have been in a position to hear her do so, as Det. Romance and Det.
Zozzaro both said permission to enter was granted at \$87(2)(b) s front gate well before
\$87(2)(b) approached. \$87(2)(b) also said that once inside \$87(2)(b) s apartment,
\$ 87(2)(b) provided verbal permission for \$ 87(2)(b) \$ 87(2)(c)
Although it is disputed whether or not officers actually aided \$87(2)(b) in
searching her apartment – § 87(2)(b) and § 87(2)(b) both said that the officers did,
while Det. Romance and Det. Zozzaro both said they only stood nearby and observed
and \$87(2)(6) as they conducted the search – this dispute is irrelevant, as \$27(5)
s testimony indicates that Det. Romance and Det. Zozzaro would have had
s permission to engage in the search if they chose.
8 01(2)(8)
§ 87(2)(g)
It is undisputed that \$87(2)(b) was visibly distraught throughout this encounter,
crying loudly from the time officers initially approached her on the bus until she returned to her
house and began looking for her documents. There are conflicting accounts of what transpired between \$87(2)(b) Det. Romance, and Det. Zozzaro once \$87(2)(b) stepped off
between \$87(2)(b) Det. Romance, and Det. Zozzaro once \$87(2)(b) stepped off of the bus. As discussed above, in \$87(2)(b) s account, Det. Zozzaro and Det. Romance
never explained why they wanted to speak to her or communicated to her that she was not a
suspect of a crime and was free to leave, and, as discussed above, Det. Zozzaro threatened to
either take her to a hospital and tell them that she was crazy or arrest her, and also announced his
intention to return to \$87(2)(b) should be should and search it, without giving any indication to
that she had a say in the matter.
Det. Zozzaro and Det. Romance, by contrast, characterized the conversation as being
much less intimidating in tone; both confirmed that \$87(2)(b) was vocally upset and
crying, but denied that \$87(2)(b) was in any way threatened, and both said they
attempted to convey to \$87(2)(b) that she was not a suspect in a crime and that they were
only trying to help her and glean information from her. Both said that §87(2)(b) fully
consented to each and every action that they took. In the accounts provided by both the officers
and by the civilians, Det. Romance's and Det. Zozzaro's conduct inside \$87(2)(b)
house, and the manner in which the search for the deed was performed, was consistent with the
house, and the manner in which the search for the deed was performed, was consistent with the officer's stated objective, i.e., locating § 37(2)(b) s deed. § 87(2)(g)

§ 87(2)(g)
\$ 87(2)(g)
8 97/2 Vol
§ 87(2)(g)
Allegation F – Discourtesy: At an unknown location in Queens, and inside the 113th
Precinct stationhouse, Det. Jessica Romance spoke discourteously to 887(2)(5) Allegation G – Discourtesy: At an unknown location in Queens, and inside the 113th
Precinct stationhouse, Det. James Zozzaro spoke discourteously to 887(2)(b)
Allegation H – Abuse of Authority: En route to and inside of the 113th Precinct
stationhouse, Det. Jessica Romance refused to obtain medical attention for 887(2)(b) Allegation I – Abuse of Authority: En route to and inside of the 113th Precinct stationhouse,
Det. James Zozzaro refused to obtain medical attention for \$87(2)(b)
Given that \$87(2)(6) did not provide a sworn statement to the CCRB, and given
that § 87(2)(b) did not witness these allegations, § 87(2)(g)
§ 87(4-b), § 87(2)(g)

Squad:		
Investigator:Signature	Print	Date
Pod Leader:Title/Signature	Print	Date
Attorney: Title/Signature	Print	Date